

BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of)
) MUR 7409 and MUR 7620
Mason Tenders District Council of Greater)
New York and LI PAC and Mike)
Prohaska in his official capacity)
as treasurer)

CONCILIATION AGREEMENT

MUR 7409 was initiated pursuant to information ascertained by the Federal Election Commission ("Commission") in the normal course of carrying out its supervisory responsibilities. MUR 7620 was initiated by a *sua sponte* submission filed with the Commission by Mason Tenders District Council of Greater New York and LI PAC and Mike Prohaska in his official capacity as treasurer ("Respondent" or "Committee"). In MUR 7409 and in MUR 7620, the Commission found reason to believe that Respondent violated 52 U.S.C. § 30104(b).

NOW, THEREFORE, the Commission and the Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

- I. The Commission has jurisdiction over the Respondent and the subject matter of these proceedings, and this agreement has the effect of an agreement entered pursuant to 52 U.S.C. § 30109(a)(4)(A)(i).
- II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in these matters.
- III. Respondent enters voluntarily into this agreement with the Commission.
- IV.
 1. Mike Prohaska is the treasurer of the Committee.
 2. The Federal Election Campaign Act of 1971, as amended (the "Act"), requires

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committee treasurers to file reports of receipts and disbursements in accordance with the provisions of 52 U.S.C. § 30104. 52 U.S.C. § 30104(a)(1); 11 C.F.R. § 104.1(a). These reports must include, *inter alia*, the total amount of receipts and disbursements, including the appropriate itemizations, where required. 52 U.S.C. § 30104(b); 11 C.F.R. § 104.3.

2. Labor organizations may use a payroll deduction system to collect and forward voluntary contributions from certain persons to a separate segregated fund. *See* 52 U.S.C. § 30118(b)(2)(C); 11 C.F.R. § 114.2(f)(4)(i). When contributions are made through payroll deduction to the separate segregated fund, the date of receipt shall be the date that the collecting agent for the separate segregated fund obtains possession of the contributions. *See* 11 C.F.R. § 102.8(b)(2) and (c). According to its Statement of Organization, the Mason Tenders District Council Trust Funds act as the collecting agent for the Committee.

V. The pertinent facts in MUR 7409 are as follows:

1. On October 27, 2016, the Committee filed its original 2016 12-Day Pre-General Report disclosing no receipts. On April 20, 2017, the Committee filed an amended 2016 Pre-General Report disclosing \$150,741.42 in receipts that were not disclosed in the original filing.

2. On February 20, 2017, the Committee filed its original 2017 February Monthly Report disclosing no receipts. On July 20, 2017, the Committee filed an amended 2017 February Monthly Report disclosing \$227,971.30 in receipts that were not disclosed in the original filing.

3. Respondent contends that its initial failure to report receipts in its original 2016 12-Day Pre-General Report and 2017 February Monthly Report occurred because, due to a misunderstanding, it changed its practice of reporting contributions based on the date of payroll deduction to reporting contributions based on the date of deposit into Respondent's bank

account. Thus, Respondent contends that contributions, which were deducted from payroll during the reporting period but not deposited into Respondent's bank account until after the reporting period, were not reported on the relevant disclosure reports.

VI. The pertinent facts in MUR 7620 are as follows:

On October 25, 2018, the Committee filed its original 2018 12-Day Pre-General Report disclosing no receipts. On December 6, 2018, the Committee filed an amended 2018 12-Day Pre-General Report disclosing \$170,773.73 in receipts that were not disclosed in the original filing.

VII. In MUR 7409, Respondent violated 52 U.S.C. § 30104(b) by failing to disclose a total of \$378,712.72 in receipts on its original 2016 12-Day Pre-General and 2017 February Monthly Reports. In MUR 7620, Respondent violated 52 U.S.C. § 30104(b) by failing to disclose \$170,773.73 in receipts on its original 2018 12-Day Pre-General Report.

VIII. 1. Respondent will pay a civil penalty to the Commission in the amount of Fifteen Thousand Dollars (\$15,000), pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondent will cease and desist from committing violations of 52 U.S.C. § 30104(b).

IX. The Commission, on request of anyone filing a complaint under 52 U.S.C. § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

X. This agreement shall become effective as of the date that all parties hereto have executed the same and the Commission has approved the entire agreement.

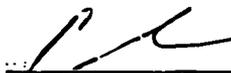
XI. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

XII. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained within this written agreement shall be enforceable.

FOR THE COMMISSION:

Lisa J. Stevenson
Acting General Counsel

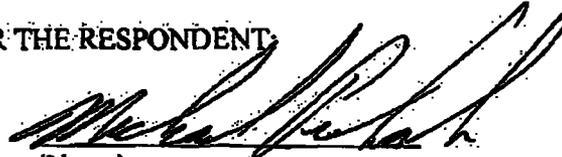
BY:



Charles Kitcher
Acting Associate General Counsel
for Enforcement

9/15/19
Date

FOR THE RESPONDENT:


(Name)
(Position) **TREASURER**

7/22/19
Date

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